

CLOSED,IFP,MJSELECT-LB,NPROSE

U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:11-cv-03698-MKB-LB

Thomas v. Social Security Administration
Assigned to: Judge Margo K. Brodie
Referred to: Magistrate Judge Lois Bloom
Cause: 05:552 Freedom of Information Act

Date Filed: 08/01/2011
Date Terminated: 05/03/2013
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Eugene Thomas**

represented by **Eugene Thomas**
80 Monument Walk #1E
Brooklyn, NY 11205
646-262-6239
PRO SE

V.

Defendant**Social Security Administration**

represented by **Arthur Swerdloff**
United States Attorneys Office
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 08/01/2011 | <u>1</u> | COMPLAINT against All Defendants Disclosure Statement on Civil Cover Sheet completed –yes,, filed by Eugene Thomas. (Attachments: # <u>1</u> Civil Cover Sheet) (Siegfried, Evan) (Entered: 08/02/2011) |
| 08/01/2011 | <u>2</u> | MOTION for Leave to Proceed in forma pauperis by Eugene Thomas. (Siegfried, Evan) (Entered: 08/02/2011) |
| 09/13/2011 | <u>3</u> | ORDER, granting pltff's <u>2</u> Motion for Leave to Proceed in forma pauperis and that pltff may proceed without being required to prepay fees or costs, or give security therefor. That the Clerk of Court is hereby directed to appoint an attorney on the basis of random selection from the Pro Bono Panel to represent the pltff. The assigned attorney is directed to file a notice of appearance or to file an application for relief from appointment within 30 days of receipt of the notice of appointment. That the Clerk is directed to forward to the US Marshal's Office for the EDNY copies of pltff's summons and complaint. The Marshals is directed to serve the summons and complaint upon deft without prepayment of fees. That deft shall obtain and serve upon pltff the administrative record of the proceedings, along with its answer, within 90 days of commencement of the action, unless an extension is granted by order of the Court for good cause shown. That, unless otherwise directed by this Court, deft shall serve upon pltff a motion for judgment on the pleadings within 60 days after serving the administrative record. That pltff shall serve a response to deft's motion upon deft within 30 days of having been served with the deft's motion. That deft, upon receipt of pltff's response, shall file the entire set of motion papers and the administrative record with the Court. The parties are advised of the option of consenting to have this matter heard and decided by the assigned Magistrate Judge, Lois Bloom. (Ordered by Judge Sandra L. Townes on 9/12/2011) c/m (Galeano, Sonia) (Entered: 09/13/2011) |

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| 09/13/2011 | | Summons Issued as to Social Security Administration. (Courtesy Copy to U.S. Attorney EDNY and U.S. Attorney General) (Galeano, Sonia) (Entered: 09/13/2011) |
| 09/16/2011 | <u>4</u> | NOTICE of Appearance by Arthur Swerdloff on behalf of Social Security Administration (aty to be noticed) (Swerdloff, Arthur) (Entered: 09/16/2011) |
| 09/28/2011 | <u>5</u> | Letter dated 9/26/11 from Eugene Thomas to Clerk of Court, requesting a hearing. (Galeano, Sonia) (Entered: 09/30/2011) |
| 10/04/2011 | <u>6</u> | Letter MOTION for Extension of Time to File Answer by Social Security Administration. (Swerdloff, Arthur) (Entered: 10/04/2011) |
| 10/06/2011 | <u>7</u> | ENDORSED ORDER granting <u>6</u> Motion for Extension of Time to Answer. This Court's Order dated 9/12/11 is hereby vacated. Defendant Social Security Administration's time to file answer to plaintiff's complaint is extended to 11/16/2011. Ordered by Judge Sandra L. Townes on 10/5/2011. (Manuel, Germaine) (Entered: 10/06/2011) |
| 10/13/2011 | <u>8</u> | Letter dated 10/11/11 from Eugene Thomas to Hon. Sandra L. Townes with attachments. (Manuel, Germaine) (Entered: 10/13/2011) |
| 10/24/2011 | <u>9</u> | SUMMONS Returned Executed by Eugene Thomas. Social Security Administration served on 10/17/2011. (Galeano, Sonia) (Entered: 10/24/2011) |
| 11/10/2011 | <u>10</u> | Letter dated 11/7/11 from Eugene Thomas to Clerk of Court, requesting that this matter be placed on the Court calendar at the earliest date possible. (Galeano, Sonia) (Entered: 11/10/2011) |
| 11/16/2011 | <u>11</u> | Letter MOTION for Extension of Time to File Answer by Social Security Administration. (Swerdloff, Arthur) (Entered: 11/16/2011) |
| 11/21/2011 | <u>12</u> | ENDORSED ORDER ON DOCUMENT #11, granting Defts' <u>11</u> Motion for Extension of Time to Answer. Deft will answer plttf's complaint by 12/16/11. (Ordered by Judge Sandra L. Townes on 11/17/2011) c/m (Galeano, Sonia) (Entered: 11/21/2011) |
| 11/22/2011 | <u>13</u> | Letter dated 11/21/11 from Eugene Thomas to Judge Townes, requesting that this case be placed on the Court calendar for the earliest date possible. (Galeano, Sonia) (Entered: 11/28/2011) |
| 12/02/2011 | <u>14</u> | ACKNOWLEDGMENT OF SERVICE of Receipt of Summons and Complaint By Mail Executed on Commissioner of SSA. Acknowledgement dated 10/25/11 filed by Eugene Thomas. (Galeano, Sonia) (Entered: 12/02/2011) |
| 12/16/2011 | <u>15</u> | ANSWER to <u>1</u> Complaint by Social Security Administration. (Attachments: # <u>1</u> Certificate of Service) (Swerdloff, Arthur) (Entered: 12/16/2011) |
| 03/07/2012 | <u>16</u> | Letter dated 3/5/12 from Eugene Thomas to President Barack Obama, stating that plttf is "illegally being denied receipt of his Social Security Disability benefits." (Galeano, Sonia) (Entered: 03/08/2012) |
| 03/20/2012 | <u>17</u> | Letter dated 1/26/12 from Eugene Thomas to Hon. Carol B. Amon regarding his case. [Received for docketing on 3/22/12] (Manuel, Germaine) (Entered: 03/22/2012) |
| 03/21/2012 | <u>18</u> | Letter dated 12/29/11 from Eugene Thomas to Hon. Sandra L. Townes regarding correspondence (copy attached) that he received from the Social Security Administration. [Received for docketing on 3/22/12] (Manuel, Germaine) (Entered: 03/22/2012) |
| 03/27/2012 | <u>19</u> | ORDER endorsed on doc.# <u>18</u> : Respectfully referred to Magistrate Judge Bloom for an initial conference. SO ORDERED by Judge Sandra L. Townes, on 3/23/2012. C/mailed to pro se Plaintiff via first class mail. (Latka-Mucha, Wieslawa) (Entered: 03/28/2012) |
| 03/28/2012 | | Judge Margo K. Brodie added. Judge Sandra L. Townes no longer assigned to case. (Gapinski, Michele) (Entered: 03/28/2012) |

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| 03/28/2012 | <u>20</u> | Letter dated 3/22/12 from Eugene Thomas to Brayden Simms – NY Metro. (Galeano, Sonia) (Entered: 04/02/2012) |
| 04/04/2012 | <u>21</u> | ORDER: The Court shall hold an initial pretrial conference pursuant to Fed. R. Civ. P. 16 on 5/17/2012 at 2:00 p.m. in Courtroom 11A of the United States Courthouse. No planning conference pursuant to Rule 26(f), Fed. R. Civ. P., shall be required at this time. SO ORDERED by Magistrate Judge Lois Bloom, on 4/4/2012. <i>C/mailed.</i> (Latka-Mucha, Wieslawa) (Entered: 04/09/2012) |
| 05/04/2012 | <u>22</u> | Letter dated 4/27/12 from Eugene Thomas to President Barack Obama. (Galeano, Sonia) (Entered: 05/07/2012) |
| 05/17/2012 | <u>23</u> | Minute Entry for proceedings held before Magistrate Judge Lois Bloom: Initial Conference held on 5/17/2012. Recorded. Tick #(s) 2:22 – 2:54. Appearances for Plaintiff: <i>pro se</i> Eugene Thomas; for Defendant: AUSA Arthur Swerdloff. (Latka-Mucha, Wieslawa) (Entered: 05/23/2012) |
| 05/22/2012 | <u>24</u> | ORDER: As the document requested cannot be located, defendant intends to move against the complaint on the basis that it has conducted the requisite search in response to plaintiffs FOIA request. Accordingly, defendant shall write to Judge Brodie to request a pre-motion conference by 6/1/2012. Plaintiff will be given the opportunity to respond to defendant's motion and should refer to the Pro Se Manual for instructions regarding how to oppose a motion. SO ORDERED by Magistrate Judge Lois Bloom, on 5/22/2012. <i>C/mailed to pro se Plaintiff.</i> (Latka-Mucha, Wieslawa) (Entered: 05/23/2012) |
| 05/22/2012 | <u>25</u> | Notice / Letter to President Barack Obama; filed by <i>pro se</i> Eugene Thomas, dated 5/14/2012. (Latka-Mucha, Wieslawa) (Entered: 05/29/2012) |
| 05/24/2012 | <u>26</u> | MOTION for Summary Judgment; filed by <i>pro se</i> Eugene Thomas, dated 5/24/2012. (Latka-Mucha, Wieslawa) (Entered: 05/30/2012) |
| 05/31/2012 | <u>27</u> | Letter to <i>Honorable Margo K. Brodie requesting a pre-motion conference for defendant's motion for summary judgment in this Freedom of Information Act action</i> by Social Security Administration (Swerdloff, Arthur) (Entered: 05/31/2012) |
| 06/01/2012 | <u>28</u> | ENDORSED ORDER re <u>27</u> Letter filed by Social Security Administration. Application is GRANTED. Plaintiff's motion is held in abeyance. Defendant's motion for summary judgment should be filed by July 2, 2012. Plaintiff's response is due by August 2, 2012. Defendants's reply is due by August 16, 2012. Ordered by Judge Margo K. Brodie on 6/1/2012. (Francis, Ogoro) (Entered: 06/06/2012) |
| 07/02/2012 | <u>29</u> | Letter to <i>pro se plaintiff, regarding service of defendant's Notice of Motion and Memorandum of Law in Support of the Defendant's Motion For Summary Judgment</i> by Social Security Administration (Swerdloff, Arthur) (Entered: 07/02/2012) |
| 07/13/2012 | <u>30</u> | Second MOTION for Summary Judgment; filed by <i>pro se</i> Eugene Thomas, dated 7/12/2012. W/Attachments: # <u>1</u> Exhibits A – F. (Latka-Mucha, Wieslawa) (Entered: 07/16/2012) |
| 07/31/2012 | <u>31</u> | Letter dated 7/30/2012 from <i>pro se</i> Eugene Thomas to AUSA Arthur Swerdloff, enclosing documents in reference to Plaintiff's <u>30</u> Second Motion for Summary Judgment, etc. W/Attachments: # <u>1</u> Appendix. (Latka-Mucha, Wieslawa) (Entered: 08/02/2012) |
| 08/16/2012 | <u>32</u> | Notice of MOTION for Summary Judgment by Social Security Administration. (Attachments: # <u>1</u> declaration of service) (Swerdloff, Arthur) (Entered: 08/16/2012) |
| 08/16/2012 | <u>33</u> | MEMORANDUM in Support re <u>32</u> Notice of MOTION for Summary Judgment filed by Social Security Administration. (Attachments: # <u>1</u> Defendant's Statement of Compliance with Local Civil Rule 7.2, # <u>2</u> Rule 56.1 Statement, # <u>3</u> Notice to Pro Se Litigant Who Opposes A Motion for Summary Judgment) (Swerdloff, Arthur) (Entered: 08/16/2012) |

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| 08/16/2012 | <u>34</u> | DECLARATION re <u>33</u> Memorandum in Support, <u>32</u> Notice of MOTION for Summary Judgment of <i>Mary Ann Zimmerman</i> by Social Security Administration (Swerdloff, Arthur) (Entered: 08/16/2012) |
| 08/16/2012 | <u>35</u> | Letter to the Honorable Margo K. Brodie, enclosing the courtesy copies of the parties fully briefed motion by Social Security Administration (Swerdloff, Arthur) (Entered: 08/16/2012) |
| 10/10/2012 | <u>36</u> | Letter dated 10/5/2012 from <i>pro se</i> Eugene Thomas to Judge Amon, re: "Article 8" and plaintiff's case. (Latka-Mucha, Wieslawa) (Entered: 10/12/2012) |
| 11/13/2012 | <u>41</u> | Letter dated 11/9/2012 from <i>pro se</i> Eugene Thomas to Hon. Carol B. Amon, re: "Inquiry, dated 10-5-12, as to whether [the] Court honors the Universal Declaration of Human Rights, Dec. 10, 1948." (<i>Received for docketing on 2/27/13.</i>) (Latka-Mucha, Wieslawa) (Entered: 02/27/2013) |
| 11/19/2012 | | NOTICE of Hearing on <u>32</u> MOTION for Summary Judgment, <u>26</u> MOTION for Summary Judgment, <u>30</u> Second MOTION for Summary Judgment: Motion Hearing set for 1/22/2013 11:30 AM in Courtroom 6F North before Judge Margo K. Brodie. (Francis, Ogoro) (Entered: 11/19/2012) |
| 01/08/2013 | <u>37</u> | Letter dated 1/5/2013 from <i>pro se</i> Eugene Thomas to Judge Brodie, re: plaintiff's case and stating that the undersigned is "seeking freedom, justice," etc. (Latka-Mucha, Wieslawa) (Entered: 01/24/2013) |
| 01/17/2013 | | NOTICE of Hearing on Motion <u>32</u> MOTION for Summary Judgment, <u>26</u> MOTION for Summary Judgment, <u>30</u> Second MOTION for Summary Judgment: Motion Hearing RESCHEDULED for 1/23/2013 10:30 AM in Courtroom 6F North before Judge Margo K. Brodie. (Francis, Ogoro) (Entered: 01/17/2013) |
| 01/23/2013 | | Minute Entry for proceedings held before Judge Margo K. Brodie: Motion Hearing held on January 23, 2013 re <u>30</u> , <u>26</u> , <u>32</u> : Eugene Thomas appeared pro se. Arthur Swerdloff appeared on behalf of Defendant. The Court heard oral argument on the parties' summary judgment motion. Plaintiff will provide the Court with his paperwork regarding the appointment of a representative payee tomorrow, January 23, 2013. Defendant shall respond by February 13, 2013. The parties' summary judgment motions will be held in abeyance and marked off the calendar. (Court Reporter Judi Johnson.) (Thomas, Alora) (Entered: 01/23/2013) |
| 01/24/2013 | <u>38</u> | Letter dated 1/24/2013 from <i>pro se</i> Eugene Thomas to Judge Brodie, enclosing Plaintiff's Exhibits requested at the 1/23/2013 hearing. W/Attachments: # <u>1</u> Exhibits. (Latka-Mucha, Wieslawa) (Entered: 01/25/2013) |
| 02/13/2013 | <u>39</u> | Letter in accordance with Judge Brodie's directive during oral argument held on January 23, 2013 by Social Security Administration (Attachments: # <u>1</u> Certificate of Service) (Swerdloff, Arthur) (Entered: 02/13/2013) |
| 02/20/2013 | <u>40</u> | Letter dated 1/24/2013 from <i>pro se</i> Eugene Thomas to Judge Brodie, re: U.S. Department of Justice's <u>39</u> reply dated 2/13/2013. (Latka-Mucha, Wieslawa) (Entered: 02/21/2013) |
| 02/27/2013 | <u>42</u> | (Copy) Letter dated 2/19/2013 from Chief Judge Carol Bagley Amon to Mr. Thomas, in response to plaintiff's letters dated 1/26/2012, 11/9/2012 and advising that the undersigned does not have authority to make rulings in a case assigned to another judge or to remove a judge from a case. <i>C/mailed by Chambers.</i> (Latka-Mucha, Wieslawa) (Entered: 02/27/2013) |
| 05/02/2013 | <u>43</u> | MEMORANDUM & ORDER: The Court construes Plaintiff's Complaint as having brought a due process claim predicated on the appointment of a guardian <i>ad litem</i> . Plaintiff's motion for summary judgment is denied. Defendant's motion for summary judgment is granted. The Clerk of Court is directed to close this case. SO ORDERED by Judge Margo K. Brodie, on 5/2/2013. <i>C/mailed. (Forwarded for Judgment.)</i> (Latka-Mucha, Wieslawa) (Entered: 05/03/2013) |
| 05/03/2013 | <u>44</u> | JUDGMENT: ORDERED and ADJUDGED that Plaintiff's motion for summary judgment is denied; and that Defendant's motion for summary judgment is granted. Ordered by Janet Hamilton, Deputy Clerk, on 5/3/2013. <i>C/mailed to pro se</i> |

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| | | <i>Plaintiff with appeals packet.</i> (Latka-Mucha, Wieslawa) (Entered: 05/03/2013) |
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